

### **Remarks**

In the action dated May 18, 2005, claims 16-22 were allowed, claims 1-3, 8, 10-12, 14, 23 and 28 were rejected and claims 4-7, 9, 13, 15 and 24-27 were indicated as containing allowable subject matter.

New claims 29 and 30 are added above. Claims 1-30 are now pending.

Applicants appreciate the indication that claims 16-22 are allowed.

### ***Claim Rejections -35 USC 103***

#### **Claim 1 - Martinez**

The action asserts that Martinez includes the claimed detent in the form of the tip of element 7 and a stop in the form of notch 6B to maintain alignment of the print head 16 with the print head roller 30. Applicants respectfully disagree with that contention. Martinez does not specifically discuss alignment. However, Applicants note that in Martinez, the alignment of the print head roller 30 and print head 16 is established by the fact that (i) the print head is fixed on the print head support arm 14, (ii) the pivot axis of print head support arm 14 is fixed and (iii) the rotational axis of the print roller 30 is fixed. Therefore, each time the print head support arm 14 is pivoted upward to move the print head 16 toward the print roller 30 for printing, the alignment of print head 16 with the print roller 30 will be the same, irrespective of element 7 and notch 6B. As specifically taught in Martinez, the purpose of detent spring 7 is to engage the notch 6B so as to "hold the cam in position." (See Martinez Fig. 4A and col. 4, lines 47-52 describing the bi-directional clutch. When shaft 1 rotates clockwise (CW) the cam 6 is rotated via engagement of pawl tooth 4B and notch 6A until the spring 7 engages notch 6B. When the shaft 1 is subsequently rotated counter-clockwise (CCW) for driving the print roller, tooth 4B and notch 6A do not engage and the interaction between spring 7 and notch 6B maintains the cam 6 in its position despite any friction induced driving force on the cam 6.)

Because of the spring feature of spring 18, the upwardly biased print head support arm 14 pivots upward to move the print head 16 against the print roller 30 once the cam 6 has been rotated sufficiently so that there is clearance between the surface of the cam 6 and the pin 15 on the print head support arm 14. (See Martinez at col. 3, lines 49-56). Therefore, the engagement of detent spring 7 and notch 6B has no impact on print head 16 alignment with the print roller 30.

Applicants note that from a technical perspective, the drawing shown in Fig. 2 of Martinez is incorrect, because the label feed path line 11 should be shown adjacent the bottom of the print head roller 30 and the upper surface of the print head 16 should be shown as pressing against the bottom of the label feed path line 11. In any event, the key for purposes of reconsideration of the rejection is that alignment of the print head 16 and print roller 30 is not impacted by the detent spring 7 and notch 6B.

For the above reasons, it is apparent that the Martinez detent spring 7 and notch 6B do not maintain alignment between the print head 16 and print roller 30, in contrast to the requirement in claim 1 that "a surface of said detent engaging a surface of said stop to maintain alignment of said print head with said print head roller." Accordingly, the 102(b) rejection of independent claim 1, as well as dependent claims 2, 3, 8, 10, , 11 and 14, based upon Martinez is improper and applicants respectfully request withdrawal of the same.

#### Claim 23 - Martinez

Claim 23 is directed to a method of disengaging a print head support assembly and a print head roller assembly in which "said print roller assembly includes at least one substantially vertical stop surface engaged with at least one substantially vertical detent surface of said print head support assembly maintaining alignment of a print head and a print roller." As explained in detail above with respect to claim 1, the Martinez detent spring 7 and notch 6B do not perform the claimed alignment function. Accordingly, the 102(b) rejection of independent claim 23, as well as dependent claim 28, based upon Martinez is improper and applicants respectfully request withdrawal of the same.

#### Claim 1 – Yamada

The action asserts that Yamada teaches a print head alignment system in which a "stop" 28 and a "detent" 30c are engaged to maintain alignment of the print head 17 with the print head roller 18. Applicants contend that Yamada is less than clear with respect to this assertion. Yamada item 28 is a bearing member. Yamada Fig. 12c suggests that the bearing member 28 does not contact the surface 30c when the device is positioned with the print roller 18 against the print head for printing (also see Yamada at col. 6, line 65 through col. 7, line 5). In this case, the

member 28 and surface 30c do not interact to "maintain alignment of said print head with said print head roller" as required by claim 1. On the other hand, Fig. 14 of Yamada appears to suggest that the right hand side of bearing 28 may contact the leftward facing portion of surface 30c when the print head and roller are positioned for printing. However, even if the depiction in Fig. 14 is accurate, it is apparent that right hand side of bearing member 28 cannot be backed away from (i.e., moved to the left in Fig. 14) from the leftward facing portion of surface 30c "before" any movement to create an access space because movement of the bearing member to the left would simultaneously move the print roller to the left, creating the access space. Likewise, the leftward facing portion of surface 30c cannot be backed away from (i.e., moved to the right in Fig. 14) from the right hand side of bearing member 28 "before" any movement to create an access space because movement of the leftward facing portion of surface 30c to the right would simultaneously move the print head to the right, creating the access space. For at least these reasons, claim 1 is distinguishable over Yamada. Applicants therefore request withdrawal of the 102(e) rejection of independent claim 1, as well as dependent claims 12 and 14, based upon Yamada.

#### New Claim 29

New claim 29 includes the same limitations as claim 1, and is therefore patentable over both Martinez and Yamada for the same reasons noted above. Moreover, claim 29 also requires that the backing away occur in a first direction before the movement that occurs in a second direction, with the first direction substantially perpendicular to the second direction.

#### New Claim 30

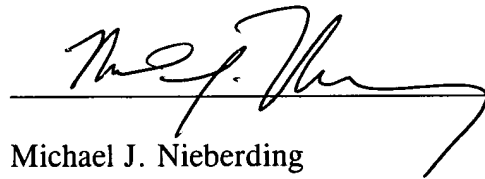
New claim 30 is similar to claim 1 but requires the print roller assembly have a pair of spaced apart stops and that the print head support assembly have a corresponding pair of spaced apart detents, with the detents having substantially planar surfaces engaging corresponding substantially planar surfaces of the stops.

Based upon the foregoing, all claims are in condition for allowance and applicants request that this case be passed to issue.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicants make no admission that Yamada is prior art under 102(e) and specifically reserve the right to remove Yamada as a reference with a 131 declaration during future prosecution.

The examiner may contact the undersigned attorney with any questions regarding this response.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael J. Nieberding", is written over a horizontal line.

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